

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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| In the Matter of  | ) | File Nos. EB-08-TC-3089, EB-07-TC-5001       |
|   | ) |  |
| Blue Casa Communications, Inc. d/b/a Blue Casa<br>Communications, LLC | ) | NAL/Acct. Nos. 200932170239,<br>200832170014 |
|   | ) |  |
| Apparent Liability for Forfeiture                                     | ) | FRN: 0009051731                              |
|   | ) |  |

**ORDER**

**Adopted: October 13, 2011**

**Released: October 14, 2011**

By the Chief, Telecommunications Consumers Division, Enforcement Bureau:

1. In this Order, which follows upon our *Omnibus Notice of Apparent Liability for Forfeiture (Omnibus NAL)*,<sup>1</sup> as well our *Notice of Apparent Liability for Forfeiture* of February 18, 2008,<sup>2</sup> we determine that no forfeiture penalty should be imposed on Blue Casa Communications, Inc. d/b/a Blue Casa Communications, LLC (Blue Casa or Company).

2. In the *Omnibus NAL*, we found Blue Casa apparently liable for a forfeiture for violating section 222 of the Communications Act of 1934, as amended (the Communications Act or Act),<sup>3</sup> section 64.2009(e) of the Commission's rules,<sup>4</sup> and the Commission's *EPIC CPNI Order*,<sup>5</sup> because it appeared that the Company had not filed a timely CPNI compliance certification for calendar year 2007. Consistent with section 503(b)(4) of the Act, Blue Casa was granted an opportunity to show, in writing, why no such forfeiture should be imposed.

3. In the *Feb. 18, 2008 NAL*, we found that Blue Casa apparently violated section 1.717 of the Commission's rules<sup>6</sup> by failing to respond to two informal complaints served on Blue Casa by the Consumers and Governmental Affairs Bureau (CGB).<sup>7</sup> Consistent with section 503(b)(4) of the Act, Blue Casa was granted an opportunity to show, in writing, why no such forfeiture should be imposed.

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<sup>1</sup> *Annual CPNI Certification*, Omnibus Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 2299 (2009) (*Omnibus NAL*).

<sup>2</sup> *Blue Casa Communications, Inc.*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 2667 (2008) (*Feb. 18, 2008 NAL*).

<sup>3</sup> 47 U.S.C. § 222.

<sup>4</sup> 47 C.F.R. § 64.2009(e).

<sup>5</sup> *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services*, CC Docket No. 96-115; WC Docket No. 04-36, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927, 6953 (2007) (*EPIC CPNI Order*); *aff'd sub nom. Nat'l Cable & Telecom. Assoc. v. FCC*, 555 F.3d 996 (D.C. Cir. 2009). 47 C.F.R. § 1.717.

<sup>7</sup> *Feb. 18, 2008 NAL*, 23 FCC Rcd at 2667, para. 1.

4. Upon review of the record, and based upon additional information provided by Blue Casa, we agree that no forfeiture penalties should be imposed on Blue Casa.

5. **ACCORDINGLY, IT IS ORDERED** that, pursuant to section 503(b) of the Communications Act of 1934, as amended, and sections 0.111, 0.311, and 1.80(f)(4) of the Commission's rules, the proposed forfeitures issued to Blue Casa Communications, Inc. **WILL NOT BE IMPOSED.**

6. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Katherine Barker Marshall, Attorney, Arent Fox LLP, Attorneys at Law, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036-5339.

FEDERAL COMMUNICATIONS COMMISSION

Richard A. Hindman  
Chief  
Telecommunications Consumers Division  
Enforcement Bureau